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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,063	08/23/2001	Michael R. Dupelle	04644-101001	1672

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FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

DROESCH, KRISTEN L

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 04/09/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,063

Applicant(s)

DURELLE ET AL.

Examiner

Kristen L Droesch

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/24/03 (Response).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: SKIN APPLIED ELECTRODE PADS HAVING U-SHAPED RELEASE SHEETS

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gliner et al. (6,178,357) in view of (Smith Ind. Pub. Lim. Co, EPO 434258A2). Gliner et al. shows a defibrillator comprising a defibrillator control box; a pair of electrode pads (20) leads (16) connecting the electrode pads to the defibrillator control box; each electrode pad comprises an electrode sized and configured for defibrillation; an adhesive configured to adhere the defibrillation electrode to a patients skin and a release sheet (Col. 4, lines 1-36). Although Gliner et al. fails to show a first portion of the release sheet covering the adhesive and a second portion of the release sheet extending from the first portion and being folded so that the release sheet can be peeled away from the adhesive by pulling the second portion in a direction substantially parallel to the plane of the electrode pad while the electrode pad is held in a desired location, attention is directed to Smith Ind. Pub. Lim. Co., which shows an adhesive pad with a

Art Unit: 3762

release sheet having this configuration (Figs. 1-4). Smith Ind. Pub. Lim. Co teaches the release sheet configuration provides a means to avoid adhesive contact with the fingers so that the adhesive will not become contaminated or lose effectiveness (Col. 4, lines 29-32, Col. 1, lines 17-20, lines 24-33). Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the electrode pad of Gliner with a release sheet having the configuration of Smith Ind. Pub. Lim. Co in order to avoid adhesive contact with the fingers so that the adhesive will not become contaminated or lose effectiveness

4. With respect to claims 2, 11, and 22, Gliner et al. shows the electrode pad further comprises a conductive gel (32).

Regarding claims 3-4, 11-12, and 24, Gliner et al. shows a non-conductive adhesive surrounding the gel (Col. 4, lines 32-36).

With respect to claims 5, 15, and 19, Smith Ind. Pub. Lim. Co. shows the release sheet is folded in a substantially U-shaped configuration (Figs. 1-4).

Regarding claims 6 and 20, Smith Ind. Pub. Lim. Co. shows an edge of the second portion of the release sheet extends beyond an adjacent edge of the pad, providing a pull-tab (23, 33) that can be grasped during removal of the release sheet (Fig. 3).

With respect to claim 7, Smith Ind. Pub. Lim. Co. shows the release sheet is a release coated paper (Col. 2, lines 49-50).

Regarding to claims 8-9, Gliner et al shows a cable (16) and a connector (Fig. 7).

With respect to claims 10, and 21, Smith Ind. Pub. Lim. Co. shows the release sheet is configured so that as the release sheet is peeled away, a fold about which the release sheet is folded travels in the direction in which the second portion is pulled (Fig. 3).

Art Unit: 3762

Regarding claim 17 Gliner et al shows the defibrillator comprises an automatic external defibrillator.

With respect to claim 18, Gliner et al. shows the electrode pads are integrally connected forming an electrode pad assembly (12)

Regarding claim 21, Smith Ind. Pub. Lim. Co. shows the release sheet is configured so that as the release sheet is peeled away, a fold about which the release sheet is folded travels in the direction in which the second portion is pulled (Fig. 3).

With respect to claim 25, Smith Ind. Pub. Lim. Co shows the method of positioning the pad on the patient's skin with the release sheet facing the skin in contact with or closely adjacent the skin; removing the release sheet to expose the adhesive portion without lifting the pad from the patient's skin; and adhering the adhesive portion to the patient's skin (Fig. 3, Col. 4, lines 10-16).

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Assuming arguendo that the release sheet of Smith Ind. Pub. Lim. Co. is intended to be used with an extremely thin adhesive dressings, attention is directed to Col. 4, lines 33-36, which shows the invention could be used with other adhesive dressing and is not confined to those which are made of thin plastic material.

Conclusion

Art Unit: 3762

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen L Droesch whose telephone number is 703-605-1185.

The examiner can normally be reached on M-F, 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angie Sykes can be reached on 703-308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Kristen Droesch

kld
April 2, 2003

Kennedy Schaetzle
KENNEDY SCHAETZLE
PRIMARY EXAMINER
4-4-03